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June 8, 2010

VIA FACSIMILE: 202-219-3923

Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 6279 - Respondent Vitter for Senate

Dear Mr. Jordan:

On behalf of David Vitter for US Senate, Senator David Vitter, and William Vanderbrook, as Treasurer (collectively "Vitter for Senate"), this letter is submitted in response to the Citizens for Responsibility and Ethics in Washington ("CREW") complaint that has been captioned by the Commission as MUR 6279. With regards to the inclusion of Vitter for Senate as a Respondent, the Complaint provides no evidence whatsoever of a violation of the Federal Election Campaign Act of 1972, as amended ("Act" or "FECA") and instead just recites the law regarding reimbursement of contributions. This complaint contains no evidence of a violation of law by Vitter for Senate, and consequently is facially deficient as regards to Respondent Vitter for Senate and should be promptly dismissed.

The Complaint begins with two pages of boilerplate description of CREW in which the organization attempts to establish credibility as a complainant and obscure the fact that they are a left-wing partisan organization created to harass Republican officeholders and organizations. That motivation is on evidence with the instant complaint, as an organization as experienced at filing complaints at CREW is most certainly aware that the only violation factually alleged in their complaint is by U.S. Dry Cleaning Corporation and by Mr. Jamal Ogbie, an apparently disgruntled former employee of U.S. Dry Cleaning. If the Commission investigates and confirms the validity of Mr. Ogbie's accusation of reimbursement for his contribution, then Vitter for Senate would condemn such illegal activity and hereby request notification from the Commission of such determination so that Vitter for Senate can, at that point, promptly disgorge Mr. Ogbie's contribution.

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CREW lists multiple contributions from U.S. Dry Cleaning employees made on August 20, 2009 and implies (by citing to random previous instances of other corporations engaging in illegal schemes) that it is possible that all such employees were reimbursed. That is one possible interpretation, but such inference is undercut by the *New Orleans Times-Picayune* article included as Complaint Attachment B that notes U.S. Dry Cleaning has over 600 employees, so just a very small fraction of them contributed to Vitter for Senate, and also that same article quotes a Mr. Jerry Clair, who proudly - and legally - donated to the Vitter campaign during the same 2009 "West Coast fund-raising effort," as stating that he donated to Vitter for Senate because "...He's been a good Republican senator." See Complaint Attachment B at page 2.

Inferences and innuendo may make for good press releases for CREW and assist with their own fundraising efforts with liberal organizations and individuals that oppose Sen. Vitter's principled conservative leadership, but they do not meet the threshold standard for the Commission to investigate respondent Vitter for Senate. Count III of the CREW complaint is the only section that is relevant to Vitter for Senate, and that section just outlines the 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(c) statutory and regulatory prohibitions on a candidate or political committee knowingly accepting or receiving a contribution from a corporation. (Emphasis added.)

No facts have been set forth to even allege that Vitter for Senate knowingly accepted a reimbursed or corporate contribution. The Commission may find "Reason to Believe" only if a complaint sets forth sufficient specific facts which, if proven true, would constitute a violation of the Act. See 11 C.F.R. 111.4 (a)(d). In this case, the Complaint only sets forth potential implications and innuendo, and fails to meet the minimal threshold for the Commission to find "reason to believe." In order for Vitter for Senate to have violated the Act, Vitter for Senate would have had to have knowingly accepted a contribution that was reimbursed by a corporation. See 2 U.S.C. § 441b(a). No facts were even asserted in the Complaint which would prove that Vitter for Senate knowingly accepted such a contribution. To investigate Vitter for Senate based upon a complaint filed by an ideological opponent that is devoid of any evidence - or even a specific allegation - of wrongdoing by the respondents would simply constitute harassment. Consequently, Vitter for Senate respectfully requests that the Commission dismiss this Complaint as regards Respondent Vitter for Senate, and take no further action.

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If you have any questions or concerns, please do not hesitate to contact me directly at (202) 496-7878. Thank you for your consideration in this matter.

Sincerely,



Charles R. Spics

CRS/clb

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